



TAX EXEMPT AND  
GOVERNMENT ENTITIES  
DIVISION

DEPARTMENT OF THE TREASURY  
INTERNAL REVENUE SERVICE  
WASHINGTON, D.C. 20224

200934043

MAY 26 2009

TEP:RA: A2

Re:

Company =

Dear

This letter constitutes notice that pursuant to your authorized representative's request of April 29 and April 30, 2009:

- (1) your request for a waiver of the minimum funding standard for the Plan for the plan year ending June 30, 2010 has been withdrawn, and the case has been closed by this office; and
- (2) waivers of the 100 percent tax under section 4971(b) of the Internal Revenue Code ("Code") have been granted for the Plan for the plan years ending June 30, 2010, through 2011, on the condition that the Plan is terminated by the Pension Benefit Guaranty Corporation ("PBGC"). If the termination of the Plan is not approved, the Company may request that its request for a waiver of the minimum funding standard for the Plan for the plan year ending June 30, 2010 be re-opened for consideration.

The conditional waivers of the 100 percent tax have been granted in accordance with section 3002(b) of the Employee Retirement Income Security Act ("ERISA"). The amounts for which the conditional waivers have been granted are equal to 100 percent of the accumulated funding deficiencies in the funding standard account as of June 30, 2010 through 2011 and the aggregate unpaid minimum required contributions as of June 30, 2010 and 2011 the end of the plan years for which the waivers have been granted, to the extent such funding deficiencies or aggregate unpaid minimum required contributions have not been corrected.

The financial condition of the Company has deteriorated significantly and it cannot continue to afford to make any contributions to the Plan. In telephone conversations with the Company's authorized representative, The Service was informed that the Company would be pursuing a distress termination of the Plan with the PBGC.

This ruling is directed only to the taxpayer that requested it. Section 6110(k)(3) of the Code provides that it may not be used or cited by others as precedent.

We have sent a copy of this letter to the \_\_\_\_\_ and to your authorized representative pursuant to a power of attorney on file in this office.

If you require further assistance in this matter, please contact

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Andrew E. Zuckerman", with a long horizontal flourish extending to the right.

Andrew E. Zuckerman, Director  
Employee Plans Rulings & Agreements